

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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GREGORY J. LAUREANNO,

Plaintiff

v.

THEODORE WILLIAM BACALIS

Defendants

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-11592 RCL

**JOINT STATEMENT PURSUANT TO LOCAL RULE 16.1(D)**

Pursuant to Local Rule 16.1(D) and this Honorable Court's order, counsel for Plaintiff and Defendant have conferred and now submit their Joint Statement.

(A) Agenda Of Matters To Be Discussed.

This is a personal injury claim sounding in negligence. The claim arises out of a motor vehicle accident that occurred on August 31, 2001 in Fall River, Massachusetts. Plaintiff contends that Defendant Bacalis operated a tractor trailer truck negligently causing it to collide with Plaintiff's motor vehicle causing the Plaintiff to sustain a spinal injury.

The agenda includes these parties' proposed plan for discovery including deadlines and depositions as are contained in Sections (D)(2) and (D)(3); and framing issues and defenses.

Counsel have conferred under the Order and LR 16.1(B) (1) – (3). The proposed pretrial schedule and plan for discovery are included herein. The Plaintiff and Defendant do not elect a trial by Magistrate Judge.

(C) Settlement Proposals. Plaintiff's counsel has solicited a settlement discussion with the insurer for the Defendant since June 2004 without success. The insurance adjuster has not responded to correspondence of counsel. Plaintiff's counsel presented to Defendant's counsel a settlement demand in the sum of \$325,000, on November 22, 2004. The defendant has rejected this offer.

(D)(1) A Concise Summary Of The Positions.

Plaintiff's Position:

Plaintiff contends Defendant was negligent for operating the tractor trailer truck into the Plaintiff's vehicle. Plaintiff underwent surgery on May 4, 2004 at the Charlton Memorial Hospital in Fall River, Massachusetts for repair of the L5, S1 herniated disc from the collision with the tractor trailer Defendant negligently operated. The total medical specials are now \$37,640.73. Plaintiff has incurred lost wages.

Defendant's Position:

It is the defendant's position that he was not negligently operating the tractor trailer truck at the time of the alleged collision with the Plaintiff's vehicle. The defendant denies liability and questions the extent of the plaintiff's damages.

(B)(2), (D)(2) and (D)(3) Pretrial Schedule, Joint Discovery Plan, and Proposed Schedule for Filing Motions.

The parties have agreed to the following proposed pretrial schedule for discovery and motions:

<u>Event</u>	<u>Deadline</u>
1. Service of process made and Return filed with the Court	Done (with exception of third party complaint)

2. Response to the Complaint filed (see FRCP 12)	Done (with exception of third party complaint)
3. Service of Rule 26(a)(1)(A-D) Disclosure	Done
4. Service of Written Discovery	12/15/04
5. All motions under FRCP 12, 19 and 20 filed	2/7/05
6. All motions under FRCP 15 filed	3/7/05
7. Completion of Party and Fact Witness Depositions	5/7/05
8. Rule 26(a)(2)(B) Disclosure of Trial Experts by Plaintiff	7/1/05
9. Rule 26(a)(2)(B) Disclosure of Trial Experts by Defendants	10/1/05
10. Completion of Depositions of Plaintiff's Trial Experts	9/1/05
11. Completion of Depositions of Defendants' Trial Experts	12/1/05
12. Summary Judgment Motions filed with the Court by this date	1/15/06
13. Pre-Trial Conference	2/15/06
14. Final pre-trial conference held and firm trial date set	
15. Case disposed	4/15/06

#### Additional Issues

Plaintiff requests that all depositions of all deponents who reside in Bristol County, Massachusetts will take place at the Plaintiff's counsel's law office in Fall

River, Massachusetts, with the exception of the plaintiff, who will be deposed at defendant's counsel's office in Boston, Massachusetts.

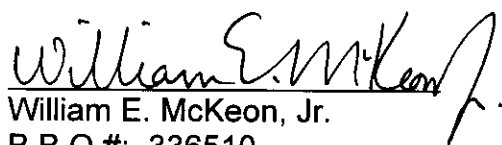
Where practicable, each party agrees to provide 48 hours notice to the other party that a record keeper deposition will not require a live deponent. Copies of all records produced pursuant to such a deposition will be produced to the opposing party within a reasonable time after such documents are produced by the keeper of records, with each party to bear its own costs.

(D)(4) Certifications Signed By Counsel And By The Parties.


Certifications will be separately and timely filed by the Parties.

Respectfully submitted,

Attorney for Plaintiff,

  
William E. McKeon, Jr.  
B.B.O.#: 336510  
10 North Main Street  
Fall River, Massachusetts 02720  
(508) 677-4424

Attorney for Defendant,

  
Attorney Liza J. Tran  
B.B.O.#: 646818  
Sugarman, Rogers, Barshak & Cohen, P.C.  
101 Merrimac Street  
Boston, Massachusetts 02114  
(617) 227-3030